

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MALCOLM X. BLAKEMORE,

Plaintiff,

v.

Case No. 13-cv-1084-JPG-DGW

S.A. GODINEZ, TY BATES, MARC
HODGE, LT. JENNINGS, LT. BROWN, LT.
MCCALLISTER, LT. DIXON, OFFICER
SCHRER, OFFICER EDWARDS, OFFICER
LOCKHART, ASSISTANT WARDEN
TREADWAY, RUSSELL L. GOINS, MARK
STORM, and THOMAS STUCK,

Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 27) of Magistrate Judge Philip M. Frazier recommending that the Court dismiss this case without prejudice for plaintiff Malcolm X. Blakemore’s failure to prosecute. This recommendation was based primarily on Blakemore’s failure to keep the Court apprized of his current address as required by Local Rule 3.1.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. The Court notes that Blakemore belatedly

provided the Court with his current mailing address. However, after the Court provided him with the documents that did not reach him because of his delay in providing that address, Blakemore still did not object to dismissal for lack of prosecution. The Court construes this as a manifestation of an intent not to prosecute this case further. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 27) as **MODIFIED** by this order;
- **DISMISSES** this case without prejudice pursuant to Federal Rule of Civil Procedure 41(b); and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: February 20, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE